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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Kari Lake, *et al.*,

10 Plaintiffs,

11 v.

12 Adrian Fontes, *et al.*,

13 Defendants.
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No. CV-22-00677-PHX-JJT

ORDER

15 At issue is the Supplement to Record (Doc. 128) which Alan Dershowitz has filed
16 as a respondent non-party in this matter. Although styled a Supplement to Record, the filing
17 contains a motion for leave to further supplement the record with a “response by various
18 experts on the ramifications, effects, and distinction placed on the ‘Of Counsel’ designation
19 used by [Mr.] Dershowitz, intending to convey his limited function and engagement with
20 the Plaintiff’s law firm, to consult and argue certain constitutional issues as to the
21 transparency required of private companies acting in a governmental function.” (Doc. 128
22 at 1.) Mr. Dershowitz requests a 30- to 60-day stay of the Court’s ruling on the matters it
23 took under advisement at the May 24, 2023 hearing in order to provide Mr. Dershowitz
24 time to gather the information that would be contained in the supplement he proposes. (*Id.*
25 at 2.) The Maricopa County Defendants filed a Response in opposition to Mr. Dershowitz’s
26 Supplement to Record, which they have also requested be stricken from the record
27 (Doc. 129), and he filed a Reply in support (Doc. 130).¹

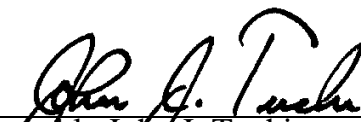
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¹ The Court also acknowledges Mr. Dershowitz’s Notice of Erratum (Doc. 131).

1 The Court will deny Mr. Dershowitz's requests for leave to further supplement the
2 record and for a stay to provide him more time to accomplish the same. Mr. Dershowitz
3 filed the pending Application for Order to Show Cause (Doc. 108) more than five months
4 ago. He raised the issue regarding the "Of Counsel" designation in his Application and in
5 the declaration he submitted in support thereof; the Maricopa County Defendants briefly
6 addressed that issue in their Response in opposition to the Application (*see, e.g.*, Doc. 111
7 at 3 n.2); and Mr. Dershowitz addressed the issue in his Reply (Doc. 113). At the May 24,
8 2023 evidentiary hearing, both Mr. Dershowitz and his counsel were heard on this issue at
9 some length. In short, Mr. Dershowitz has had sufficient time and opportunity to gather
10 and present evidence, argument, and authority in support of his positions, and he has done
11 so. In his Supplement and Reply thereto, he has provided more for the Court to consider,
12 which it will do. Mr. Dershowitz has not shown good cause for additional time now to
13 further supplement the record and gather information that he could have gathered earlier.

14 **IT IS THEREFORE ORDERED** denying Mr. Dershowitz's motions for leave to
15 further supplement the record and for a stay of the Court's ruling on the matters it took
16 under advisement at the May 24, 2023 hearing held in this matter (Doc. 128).

17 **IT IS FURTHER ORDERED** denying the Maricopa County Defendants' motion
18 (Doc. 129) to strike Mr. Dershowitz's Supplement to Record.

19 Dated this 9th day of June, 2023.

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21 Honorable John J. Tuchi
22 United States District Judge
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